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TTAB

Cash
B4
Payday

William G. Jachimek
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October 5, 2005

Via EXPRESS MAIL Post Office to Addressee

ATTENTION: TRADEMARK TRIAL AND APPEAL BOARD

BOX TTAB - NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

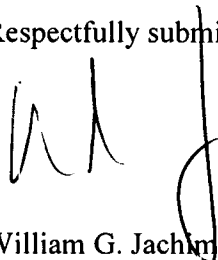
Re: Answer of Applicant to Opposition No. 91166479

Dear Sir/Madam,

Enclosed please find the timely Answer of Applicant to Opposition No. 91166479

Thank you for your assistance in this matter.

Respectfully submitted,



William G. Jachimek



10-05-2005

U.S. Patent & TMOft/TM Mail Rcpt Dt. #34

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 78/38,7114
Published in the Official Gazette on May 17, 2005
Mark: CASH B4 PAYDAY

Dollar Financial Group, Inc.,

Opposer,

v.

William G. Jachimek,

Applicant.

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has been deposited with the United States Postal Service
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envelope addressed to:

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Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

William G. Jachimek

Date
Oct 5, 2005

Opposition No. 91166479

Answer of Applicant to Notice of Opposition

William G. Jachimek, ("Applicant"), owner of CASH B4 PAYDAY,
a dba Arizona registered trade name under an Arizona Corporation 100% owned
by Mr. Jachimek, hereby answers each of the allegations of the Notice of
Opposition filed by Dollar Financial Group, Inc.

The numbered Answers herein correspond to the numbered
paragraphs set forth in opposer's Notice of Opposition.

1. Applicant is without knowledge and information to form a belief as to the truth of the allegations set forth in paragraph 1 and therefore denies the allegations.

2. Applicant is without knowledge and information to form a belief as to the truth of the allegations set forth in paragraph 2 and therefore denies the allegations. Applicant had a difficult time finding the mark of Opposer.

3. Applicant admits USPTO records reveal U.S. Registration Nos. 1,987,764 and 2,606,704 for mark Opposer relies upon, CASH 'TIL PAYDAY. Applicant notes the '764 Registration remained on the Supplemental Register, until the '704 mark was transformed to Principal Register on August 13, 2002 as a result of a Section 2(f) filing.

4. Applicant is without knowledge and information to form a belief as to the truth of the allegations set forth in paragraph 4 and therefore denies the allegations. Applicant notes a change of specimen from the first dated March 21, 2001, and the more recently filed dated July 16, 2005. The latter specimen appears to be used in a descriptive context, and as a subset of Money Mart as opposed to a true source of goods. www.dfg.com appears to verify that Money Mart is the primary brand identifier rather than CASH 'TIL PAYDAY.

5. Applicant is the owner of Serial No. 78/38,7114 for the mark CASH B4 PAYDAY; filed March 18, 2004; filing basis 1(a); IC: 036 for "Financial services in the nature of check cashing, deferred deposits, financial overdraft protection, short term consumer loans". Applicant admits to all of the allegations in paragraph 5 as clarified herein, yet notes that Opposer truncated Applicant's description of goods so the two 'appear' identical – even though they are not.

6. Deny. Applicant's mark CASH B4 PAYDAY is significantly dissimilar to opposer's mark 'CASH 'TIL PAYDAY' in visual appearance, connotation, sound, verbal usage, commercial impression, and other Dupont Factors. Applicant notes the mark of Opposer is exclusively for "short term commercial loans". Applicant's mark will not cause any damage to opposer.

7. Deny. Furthermore, Applicant's use of its mark CASH B4 PAYDAY as a source identifier appears significantly different than opposer's current use of its mark 'CASH 'TIL PAYDAY'. Extent of potential confusion or mistake is de minimus.

8. Applicant is without knowledge and information to form a belief as to the truth of the allegations set forth in paragraph 8 and therefore denies the allegations.

9. Deny.

AFFIRMATIVE DEFENSES

10. Opposer fails to state a claim upon which relief can be granted.
11. Applicant reserves the right to develop further defenses.

WHEREFORE, Applicant prays the Notice of Opposition be dismissed in its entirety with prejudice, that the Board agrees a registration should be issued to Applicant for its trademark CASH B4 PAYDAY in International Class 36, and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper.

Dated: October 5, 2005

Respectfully submitted,

By: 

William G. Jachimek
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Certificate of Service

This is to certify that I, William G. Jachimek, today served the above ANSWER on the Opposer by Express Mail, addressed to Hilary B. Miller, Esq., Attorney for Opposer, at 112 Parsonage Road, Greenwich, CT 06830-3942

Dated: Oct 5, 2005 By: [Signature]
William G. Jachimek
Applicant